



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Judith White

File: B-233853.2

Date: June 9, 1989

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### DIGEST

Cancellation of solicitation for dental hygienist services is proper where procuring agency determines there is no longer a need for the solicited services because work will be performed by in-house dental staff.

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### DECISION

Judith White protests the Department of Justice, Federal Bureau of Prison's (BOP) decision to cancel request for quotations (RFQ) No. 155-0066-8, issued for the acquisition of dental hygienist services at the Eglin Air Force Base Federal Prison Camp. White argues that the BOP did not have a reasonable basis for canceling the RFQ.

We deny the protest.

The RFQ was issued on September 13, 1988. On October 11, 1988, White, the incumbent contractor, submitted a quotation which, after evaluation, was found to be the low quotation. On October 24, White was informed by the contracting officer that she had submitted the low quote and was further informed that no contract award would be made until the security clearance procedures outlined in the solicitation were completed. Apparently, after the BOP declined to further continue White's Services on a month to month basis pending this contract award, the protester filed an initial letter of protest with our Office on December 13, alleging improprieties in the award process. She also asserted that she had been verbally awarded a contract under the RFQ. The BOP, by letter dated December 19, informed our Office that the solicitation had been canceled. The BOP reported that a contract dental hygienist was no longer needed because the services were to be performed in-house. We dismissed the protest as academic by notice dated December 20.

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White now argues that the BOP did not have a reasonable basis for cancellation of the RFQ. Specifically, she argues that the cancellation was in response to her initial protest and also alleges that the BOP does in fact have a continuing need for dental hygienist services. In this latter regard, Ms. White notes that, subsequent to the time that the RFQ was canceled, certain individuals at the contracting agency placed an advertisement in the Florida job services listing, requesting the services of a dental hygienist at the installation.

White also alleges that the BOP is acting in bad faith and is attempting to "punish" her. She specifically asserts that she is the victim of the efforts of the chief dental officer and hospital services administrator to punish her because she "blew the whistle" on certain hospital practices for which the chief dental officer and hospital services administrator were responsible.


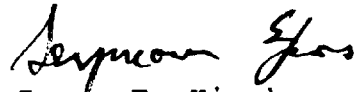
The BOP responds that it does not have a current need for dental hygienist services at the Eglin prison camp. In this regard, the agency has submitted a written statement from the activity's chief dental officer. The chief dental officer explains that he has assumed the duties previously performed by the activity's dental hygienist and that this arrangement was decided upon after his appointment on March 3, in an effort to promote efficiency at the prison camp's dental clinic. The chief dental officer also notes that this new arrangement helps to promote more comprehensive dental care, since all inmates are screened and placed on one of six treatment lists whereas, previously, inmates sought dental care on an ad hoc basis according to their perceived needs. As to the placement of the job services listing, the agency informs us that the listing was placed by individuals who were not authorized to do so and that it was promptly withdrawn by the contracting officer upon her learning of it. In this connection, the agency points out that the individuals responsible for the placement of the listing are no longer assigned to the installation. The agency further points out that White's work has repeatedly been evaluated acceptable. The agency also advises that the chief dental officer who prepared the statement above is a replacement for the one White worked for and that the prison superintendent approved the cancellation determination. The agency states that neither of these individuals is alleged by White to have any animus toward her.

Our Office has consistently held that agencies may properly cancel solicitations where the agency no longer needs the

supplies or services because the work is to be performed in-house. Creative Resources, Inc., B-225950, Feb. 11, 1987, 87-1 CPD ¶ 153. Moreover, where a protester alleges that the agency's cancellation was in response to the filing of a protest (thus suggesting bad faith on the part of agency officials) the protester must show that the contracting agency directed its actions with a specific and malicious intent to harm the protester. See, e.g., Discount Machinery and Equipment, Inc., B-231067.2, July 18, 1988, 88-2 CPD ¶ 63.

Our review of the record in this case satisfies us that the BOP legitimately canceled the solicitation because there no longer existed a need for the services since the work is to be performed in-house. The record shows that the new chief dental officer has assumed responsibility for the dental hygiene services to promote more comprehensive dental care. While the protester asserts that the chief dental officer's approach is inefficient and cannot be serving the inmates as well as the prior arrangement of having a dental hygienist provide the dental hygiene services, we have no basis to question the agency's decision. In addition, the record shows that the placement of the job service listing was not authorized by contracting personnel at the activity and was withdrawn when it came to the contracting officer's attention. Finally, the new chief dental officer and prison supervisor who determined that the services were no longer needed are not alleged by White to have any animus toward her.

We deny the protest.

   
James F. Hinchman  
General Counsel